

SB \_\_\_\_\_

An Act to revise certain provisions regarding the 911 emergency surcharge, the public safety 911 emergency fund, and revenue distribution  
and to repeal the 911 emergency surcharge sunset clause

Sections 1-3 amend or reenact the law as it is now to clearly identify what the law will be going forward if the bill passes:

Section 1 merely updates the references in SDCL 34-45-4 from the generic “this surcharge” to the specific “911 emergency surcharge”.

Section 2 is the current law regarding distribution and consequences for non-compliance with administrative rules for PSAPs (now found in SDCL 34-45-8.4). However, this also clarifies that if a PSAP is found to be noncompliant and does not submit a plan within the initial 90 days, but has a plan approved or becomes compliant within the 90 to 180 day timeframe, the withheld surcharge is then paid to the public agency/PSAP. It is only if no plan is approved or the PSAP does not become compliant within the 180 day period that the surcharge is permanently lost to the public agency.

Section 3 is the current law (found now in SDCL 34-45-8.5) regarding incentive funds for qualifying PSAPs.

Because of the session law reference error in 2017’s SB 113, SDCL §§34-45-8.4 and 34-45-8.5 (Sections 2 & 3 of the bill) will be repealed on July 1, 2018 and not reenacted until July 1, 2019. However, when SDCL 34-45-8.4 again becomes part of the law in 2019, it would not include the enforcement language, and 34-45-8.5 would not have the current distribution formula. This bill addresses these issues by allowing the 2018 sunset of the current statutes, but enacting permanent replacements.

Sections 4-8 delete the pending 2012 session laws that would reinstate altered versions of SDCL §§34-45-8.4 and 34-45-8.5, and lower the surcharge to one dollar. By repealing all of these session laws, the slate is wiped clean and Sections 1-3 will be the law unless and until further legislative action is taken. The most significant impact of repealing these sections is the repeal of the sunset of the \$1.25 surcharge.

Section 4 repeals §24, chapter 188 of the 2012 session laws. This is the section that would lower the surcharge from \$1.25 to \$1.00. By repealing this section, the surcharge permanently becomes \$1.25.

Section 5 repeals §25, chapter 188 of the 2012 session laws. This keeps the distribution at 70% to locals, and the division of the remaining 30% at 26% to incentive PSAPs, and 74% to the 911 Coordination Fund for ongoing NextGen 911 expenses.

Section 6 repeals §26, chapter 188 of the 2012 session laws, which would replace the current SDCL 34-45-8.5 and would do away with the funding for the NextGen project.

Section 7 repeals §28, chapter 188 of the 2012 session laws. This is the provision which would have enacted the lower surcharge and differing distributions on July 1, 2018.

Section 8 repeals §2, chapter 162 of the 2017 session laws. This is the change from SB113 that moved the sunset from 2018 to 2019. By repealing this, the surcharge is made permanent.